

No. 12556

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United States  
Court of Appeals  
For the Ninth Circuit.

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UNITED STATES OF AMERICA,

Appellant,

vs.

EDWARD H. TEED,

Appellee.

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Transcript of Record

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Appeal from the United States District Court,  
Eastern District of Washington  
Northern Division.

FILED

JUL 24 1950

PAUL P. O'BRIEN



No. 12556

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Court of Appeals  
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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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## ATTORNEYS OF RECORD

HARVEY ERICKSON,

United States Attorney,

FRANK R. FREEMAN,

Assistant United States Attorney,

334 Federal Building,

Spokane, Washington,

Attorneys for Appellant.

PAINE, LOWE & COFFIN,

ALAN P. O'KELLY,

622 Spokane and Eastern Building,

Spokane 8, Washington,

Attorneys for Appellee.

United States District Court for the Eastern  
District of Washington

Criminal No. 7702

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHIRLEY DOORES, et al.,

Defendant.

### MOTION

Comes now the defendant, Shirley Doores, and moves the Court for an order directing the Clerk to disburse to her the sum of \$6150 in the above-entitled cause. This motion is based on the files and records herein and the sub-joined affidavit.

/s/ ALLAN POMEROY,

Attorney for Defendant

Shirley Doores.

United States of America,

State of Washington, County of King—ss.

Shirley Doores, being first duly sworn on oath, deposes and says: That she is one of the defendants in the above-entitled action; that on or about the 13th day of December, 1944, affiant was the owner of and in possession of the sum of \$6150 lawful money of the United States, and that at said time the said sum was unlawfully seized from her by officers of the United States and that said funds are



now on deposit in the registry of the above-entitled Court in the above-entitled action and should be disbursed to affiant.

/s/ SHIRLEY DOORES.

Subscribed and sworn to before me this 2nd day of June, 1949.

/s/ MARIAN M. PARKS,  
Notary Public in and for the State of Washington,  
residing at Seattle.

Receipt of copy attached.

[Endorsed]: Filed June 6, 1949.

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United States District Court for the Eastern  
District of Washington, Northern Division

No.7702

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHIRLEY DOORES, et al.,

Defendant.

STIPULATION

It is hereby stipulated, consented and agreed by and between Allan Pomeroy, attorney for the petitioner herein, and Frank R. Freeman, Assistant United States Attorney, Spokane, Washington, that

the deposition of Shirley Doores, petitioner, may be taken by and before James Royce, Notary Public, or any other Notary Public of the State of Washington, on August 12, 1949, at 2:00 p.m. and to continue from day to day until completed at the offices of Allan Pomeroy, 304 Spring Street, Seattle, Washington.

It is further stipulated, consented and agreed that notice of taking said deposition of said Shirley Doores as aforesaid pursuant to the Federal Rules of Civil Procedure be and the same hereby is waived.

It is further stipulated and agreed that any and all objections to the examination, including the form, materiality, irrelevancy and competency of any and all questions and/or answers be, and the same hereby are reserved for the trial, save and except the objections should be noted in the record at the time of the deposition hearing.

It is further stipulated that the signing of the transcript of the testimony by the petitioner is hereby waived, and further that written notice of the return and filing of said deposition is also hereby waived.

Dated: July 30, 1949.

/s/ ALLAN POMEROY,  
Attorney for Petitioners.

/s/ FRANK R. FREEMAN,  
Assistant United States  
Attorney.

[Endorsed]: Filed August 3, 1949.

In the District Court of the United States for the  
Eastern District of Washington, Northern Division  
Criminal No. 7702

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.

SHIRLEY DOORES, et al.,  
Defendant,  
EDWARD H. TEED,  
Intervener and Cross-Petitioner.

MOTION TO INTERVENE

Edward H. Teed moves for leave to intervene as cross-petitioner in this action in order to assert the claims set forth in his proposed answer, of which a copy is hereto attached, on the ground that he is the lawful owner and entitled to the possession of Five Thousand Nine Hundred Fifty Dollars (\$5,950.00) of the Six Thousand One Hundred Fifty Dollars (\$6,150.00) held in the registry of the Court and which the defendant in her petition filed June 6, 1949, seeks to have disbursed to her.

PAINE, LOWE & COFFIN,  
/s/ ALAN P. O'KELLY,  
Attorneys for E. H. Teed,  
Applicant for Intervention.

## NOTICE OF MOTION

To Harvey E. Erickson and Frank R. Freeman,  
Attorneys for Plaintiff, and to Allan Pomeroy,  
Attorney for Defendant:

Please take notice that the undersigned will bring the above motion on for hearing before this Court, in the Federal Building, Spokane, Washington, on the 6th day of September, 1949, at 10:00 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard.

PAINE, LOWE & COFFIN,

/s/ ALAN P. O'KELLY,

Attorneys for E. H. Teed,

Applicant for Intervention.

Receipt of copy attached.

[Endorsed]: Filed August 31, 1949.

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[Title of District Court and Cause.]

## PETITION

Comes now Edward H. Teed and alleges:

## I.

That he is a resident of and domiciled in the State of Idaho, County of Kootenai, City of Coeur d'Alene, and that the defendant, Shirley Doores, is a resident of the State of Washington.

## II.

That on or about the 13th day of December, 1944, the sum of Five Thousand Nine Hundred Fifty Dollars (\$5,950.00) in currency was lawfully seized by officers of the United States from a safe deposit box in The Old National Bank of Spokane, Spokane, Washington, registered in the name of Shirley Doores, which currency was and is the property of your petitioner, Edward H. Teed.

## III.

That the said sum of Five Thousand Nine Hundred Fifty Dollars (\$5,950.00) in currency was obtained by Shirley Doores from your petitioner, Edward H. Teed, by means of threats, duress, fraud, extortion and blackmail.

## IV.

That on October 2, 1946, the said currency in the sum of Five Thousand Nine Hundred Fifty Dollars (\$5,950.00) was delivered by the United States Marshal to the Clerk of the District Court of the United States for the Eastern District of Washington, Northern Division, in conformance with an order of said Court issued September 12, 1946.

## V.

That under Title 28, United States Code, Section 2041, said currency was deposited with the Treasurer of the United States in the name and to the credit of such Court.

## VI.

That under Title 28, United States Code, Section 2042, your petitioner is entitled to an order directing payment of said sum of money to him.

Wherefore, your petitioner prays that the Court enter an order directing payment to him of the sum of Five Thousand Nine Hundred Fifty Dollars (\$5,950.00).

PAINE, LOWE & COFFIN,

/s/ ALAN P. O'KELLY,

Attorneys for E. H. Teed,

Applicant for Intervention.

Duly verified.

[Endorsed]: Filed August 31, 1949.

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[Title of District Court and Cause.]

## ORDER

This matter coming on for hearing in Open Court this 6th day of September, 1949, upon motion of Edward H. Teed to intervene as cross-petitioner in this action in order to assert claim to Five Thousand Nine Hundred Fifty Dollars (\$5,950.00) of the Six Thousand One Hundred Fifty Dollars (\$6,150.00) held in the registry of the Court, and it appearing that due notice was served upon all parties in interest, and the United States appearing by Frank R. Freeman, Assistant United States Attorney, and it

appearing that the motion of cross-petitioner Edward H. Teed to intervene should be granted,

It is hereby ordered, adjudged and decreed that the motion of cross-petitioner Edward H. Teed to intervene should be, and the same is granted.

Dated this 6th day of September, 1949.

/s/ SAM M. DRIVER,  
Judge.

Presented by:

/s/ ALAN P. O'KELLY.

[Endorsed]: Filed September 6, 1949.

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[Title of District Court and Cause.]

#### ACCEPTANCE OF SERVICE

Received copies of intervener and cross-petitioner's Motion to Intervene, Notice of Motion and Petition this 2nd day of September, 1949.

/s/ ALLAN POMEROY,  
Attorney for Defendant.

[Endorsed]: Filed September 8, 1949.



## OPINION

Chambers of  
Sam M. Driver  
United States District Judge  
Spokane 6, Washington

January 12, 1950

Paine, Lowe and Coffin,  
Attorneys at Law,  
622 Spokane and Eastern Building,  
Spokane, Washington,

Mr. Harvey Erickson,  
United States Attorney,  
Spokane, Washington.

Re: U. S. v. Shirley Doores, C-7702.

Gentlemen:

Some time ago I took under advisement the petition of intervenor Edward H. Teed in the above case, for payment to him of \$5,950 of the funds on deposit in the registry of the court. I have concluded that his petition should be granted. My reasons, without detailed citation of authority, follow.

Sections 2041 and 2042 of Title 28, U.S.C. (formerly sections 851 and 852) provide for the deposit and withdrawal of funds in the registry of a district court. The person seeking the withdrawal, under the statutes, has the burden of establishing his right to the money so deposited. As I announced at the time of the trial, it is my view that the fund in con-



troversy, to the extent of \$5,950, represents money paid to Shirley Doores by Dr. Teed. Without question, she extorted it from him by falsification and by fraud, and he is entitled to recover it back unless precluded by some controlling rule of law.

The government contends that Dr. Teed may not recover the fund because the record shows him to be guilty of violation of the federal narcotics laws, conspiracy and attempted bribery, and the arrangement and agreement under which he turned over the money to Shirley Doores was connected with and in furtherance of their criminal enterprise. I have carefully examined the record, and for reasons which I shall not detail, it is my conclusion that Dr. Teed was not guilty of conspiracy, but was guilty of attempted bribery. He also violated the federal narcotics laws in giving narcotics prescriptions to Doores, but those violations had ceased before the money was paid to her. He doubtless violated the narcotics laws again in turning over large quantities of narcotics to Doores in furtherance of the attempted bribery scheme, but that violation was the result of duress and compulsion, since the narcotics were extorted from him along with the money here in controversy.

It is true, I think, as the government contends, that an illegal agreement, such as one to suppress prosecution of a crime, will not be enforced if executory, and the law will not aid a party to recover what he has paid thereunder if executed in whole or in part, where the parties to the agreement were in

pari delicto. However, where one party has acted under duress, compulsion or fraud of the other and the parties are not therefore in pari delicto or equally at fault, the court may relieve the more excusable party.

In the present case I do not regard Dr. Teed, who paid the money, and Shirley Doores, who received it, as in pari delicto. He had no intention of bribing or attempting to bribe a federal narcotics agent. By fraud, trickery and coercion she induced him to turn over to her money and narcotics under her false representation that they were to be used for the purpose of bribing a federal officer to forestall threatened prosecution. Dr. Teed should not, therefore, be precluded from recovery of the money thus extorted from him.

I shall not undertake an analysis of the cases cited in the briefs, but it is my view that none is squarely in conflict with the position I have taken here, with the exception of *U. S. v. Galbreath*, 8 F. (2d) 360. It is a district court case. While such cases, I think, are entitled to respectful consideration as persuasive authorities, they are not controlling as to other district courts. I regard the Galbreath case as contrary to the weight of authority. Its reasoning does not appeal to me. I therefore decline to follow it.

In the instant case public policy does not seem to me to require the withholding of Dr. Teed's money. Shirley Doores and her confederates have been convicted and punished for conspiracy and extortion.

Dr. Teed has been convicted and punished for violation of the Idaho state narcotics laws for his conduct in connection with this same transaction. His punishment has been very severe, since he has been deprived of the right to practice his profession. He could have been prosecuted by the United States, but he testified as a witness for the government in the trial of one of Doores' associates, and it seems fair to assume that in consideration of his assistance and, perhaps, also because of his conviction in the Idaho state court it was decided that he should not be prosecuted for his federal offenses. At any rate, the government forebore prosecution, and it seems to me that the equities do not now require the imposition upon Dr. Teed of what in practical effect would amount to a fine of \$5,950 for his six-year-old transgressions.

Findings and judgment may be presented in accordance with the views herein expressed.

Sincerely yours,

SAM M. DRIVER,

United States District Judge.

SMD:jr

[Title of District Court and Cause.]

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This cause came on for trial on the motion of Shirley Doores for the release of money in the registry of the court and cross-petition of Edward H. Teed for release of money to him from the registry of the court, and the court having heard the evidence and the argument of counsel, finds the facts and states the conclusions of law as follows:

### Findings of Fact

1. That on or about the 13th day of December, 1944, the sum of Five Thousand Nine Hundred Fifty Dollars (\$5,950.00) in currency was seized by officers of the United States from a safe deposit box in The Old National Bank of Spokane, Spokane, Washington, registered in the name of Vera Wilson.

2. That the defendant, Shirley Doores, had deposited said sum of \$5,950.00 in the safe deposit box referred to in Finding 1 under the name of Vera Wilson, which she used as an alias.

3. That said Shirley Doores had extorted the said sum of \$5,950.00 from Edward H. Teed, cross-petitioner herein, by falsification and fraud in that she, by trickery and coercion, induced him to turn over to her money and narcotics under her false representation that they were to be used for the purpose of bribing a Federal officer to forestall threatened prosecution.

4. That Edward H. Teed, who paid the money, and Shirley Doores, who received it, are not in *pari delicto* and Edward H. Teed had no intention of bribing or attempting to bribe a Federal narcotics agent until he was coerced and deceived by Shirley Doores as stated above.

5. That on October 2, 1946, the said sum of \$5,950.00 was delivered to the Clerk of the District Court of the United States for the Eastern District of Washington, Northern Division, and has since been held in the registry of this court on deposit with the Treasurer of the United States.

6. That Edward H. Teed has been convicted and punished for violation of the Idaho State Narcotics Laws for his conduct in connection with this transaction. His punishment has been severe since he has been deprived of his right to practice his profession as physician, and the withholding of Edward H. Teed's money from him would in practical effect amount to an additional fine of \$5,950.00 for his six-year-old transgressions.

#### Conclusions of Law

1. That Edward H. Teed, the cross-petitioner herein, is the legal owner of and is entitled to the possession of said sum of \$5,950.00 held in the registry of the court.

2. That under Sections 2041 and 2042 of Title 28, U.S.C., the cross-petitioner, Edward H. Teed, is entitled to withdraw from the registry of the court the said sum of \$5,950.00.

3. That neither public policy nor the equities of the case require the withholding of the said sum of \$5,950.00 from Edward H. Teed, cross-petitioner.

4. That the petition of cross-petitioner, Edward H. Teed, must be granted.

Dated this 21st day of February, 1950.

/s/ SAM M. DRIVER,  
Judge.

Presented by:

/s/ ALAN P. O'KELLY.

Receipt of copy acknowledged.

[Endorsed]: Filed February 21, 1950.

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United States District Court for the Eastern  
District of Washington, Northern Division  
No. C-7702

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHIRLEY DOORES, et al.,

Defendant,

EDWARD H. TEED,

Intervenor and Cross-Petitioner.

### JUDGMENT

This cause came on to be heard on Friday, October 14, 1949, and was argued by counsel and briefs



submitted by plaintiff and intervenor and cross-petitioner, and the court having entered its findings of fact and conclusions of law,

It Is Hereby Ordered, Adjudged and Decreed that the petition of Edward H. Teed for the return of Five Thousand Nine Hundred and Fifty and No/100 Dollars (\$5,950.00) held in the registry of this court should be and the same is hereby granted, and the Clerk of the Court is hereby ordered to pay over to the cross-petitioner, Edward H. Teed, the sum of \$5,950.00 held in the registry of this court.

Dated this 21st day of February, 1950.

/s/ SAM M. DRIVER,  
Judge.

Presented by:

/s/ ALAN P. O'KELLY.

Notice of presentment waived and receipt of copy acknowledged.

[Endorsed]: Filed February 21, 1950.

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[Title of District Court and Cause.]

### NOTICE OF APPEAL

Notice Is Hereby Given that the United States of America, the plaintiff above named, by Harvey Erickson, United States Attorney for the Eastern District of Washington, does hereby appeal to the Circuit Court of Appeals for the Ninth Circuit from

the final Judgment entered in this action on the 21st day of February, 1950.

Dated this 19th day of April, 1950.

/s/ HARVEY ERICKSON,  
United States Attorney.

/s/ FRANK R. FREEMAN,  
Assistant United States  
Attorney.

Receipt of copy acknowledged.

[Endorsed]: Filed April 19, 1950.

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[Title of District Court and Cause.]

### STATEMENT OF POINTS RELIED UPON ON APPEAL

The appellant states that in its appeal to the Circuit of Appeals for the Ninth Circuit from the judgment entered in the above-entitled case against the plaintiff, the appellant, on the 21st day of February, 1950, adjudging that the said Edward H. Teed, intervenor and cross-petitioner-appellee, is entitled to the return of the five thousand nine hundred and fifty and no/100 dollars (\$5950.00) held in the Registry of the above court, the appellant intends to rely upon the following points:

First: That the Court erred in making Finding of Fact No. 3, which was as follows:



“That said Shirley Doores had extorted the said sum of \$5950.00 from Edward H. Teed, cross-petitioner herein, by falsification and fraud in that she, by trickery and coercion, induced him to turn over to her money and narcotics under her false representation that they were to be used for the purpose of bribing a Federal officer to forestall threatened prosecution.”

Second: That the Court erred in making Finding of Fact No. 4, which was as follows:

“That Edward T. Teed, who paid the money, and Shirley Doores, who received it, are not in *pari delicto* and Edward H. Teed had no intention of bribing or attempting to bribe a Federal narcotics agent until he was coerced and deceived by Shirley Doores, as stated above.”

Third: That the Court erred in making Finding of Fact No. 6, which was as follows:

“That Edward H. Teed has been convicted and punished for violation of the Idaho State Narcotics Laws for his conduct in connection with this transaction. His punishment has been severe since he has been deprived of his right to practice his profession as physician, and the withholding of Edward H. Teed’s money from him would in practical effect amount to an additional fine of \$5950.00 for his six-year-old transgressions.”

Fourth: That the Court erred in making Conclusion of Law No. 1, which was as follows:

“That Edward H. Teed, the cross-petitioner herein, is the legal owner of and is entitled to the possession of said sum of \$5950.00 held in the registry of the court.”

Fifth: That the Court erred in making Conclusion of Law No. 2, which was as follows:

“That under Sections 2041 and 2042 of Title 28, U.S.C., the cross-petitioner, Edward H. Teed, is entitled to withdraw from the registry of the court the said sum of \$5950.00.”

Sixth: That the Court erred in making Conclusion of Law No. 3, which was as follows:

“That neither public policy nor the equities of the case require the withholding of the said sum of \$5950.00 from Edward H. Teed, cross-petitioner.”

Seventh: That the Court erred in making Conclusion of Law No. 4, which was as follows:

“That the petition of cross-petitioner, Edward H. Teed, must be granted.”

Eighth: That the Court erred in making its judgment ordering and directing the return to Edward H. Teed, as intervenor and cross-petitioner-appellee, the sum of five thousand nine hundred and fifty and

no/100 dollars (\$5950.00) now held in the Registry of this Court.

Dated this 19th day of April, 1950.

/s/ HARVEY ERICKSON,

/s/ FRANK R. FREEMAN,

Attorneys for Plaintiff-  
Appellant.

Receipt of copy acknowledged.

[Endorsed]: Filed April 19, 1950.

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[Title of District Court and Cause.]

DESIGNATION OF PORTION OF RECORD  
TO CONSTITUTE RECORD ON APPEAL

Comes now the plaintiff-appellant, United States of America, and hereby designates that portion of the record to be transmitted to the United States Circuit of Appeals for the Ninth Circuit and to constitute the record in the above-entitled case, to wit:

1. Petition of Edward H. Teed as Intervenor and Cross-Petitioner.
2. Order of the Court granting right to intervene, dated September 6, 1949.
3. All exhibits.
4. Stenographic transcript of witnesses' testimony.

5. Opinion of the Court, dated January 12, 1950.
6. Findings of Fact and Conclusions of Law,  
dated February 21, 1950.
7. Judgment, dated February 21, 1950.

/s/ HARVEY ERICKSON,

/s/ FRANK R. FREEMAN,

Attorneys for Plaintiff-  
Appellant.

Receipt of copy acknowledged.

[Endorsed]: Filed April 19, 1950.

In the District Court of the United States for the  
Eastern District of Washington, Northern Division

No. C-7702

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHIRLEY DOORES, et al.,

Defendants,

EDWARD H. TEED,

Intervener.

RECORD OF PROCEEDINGS AT THE  
HEARING ON PETITION FOR RELEASE  
OF FUNDS

October 1, 1949

Before Honorable Sam M. Driver,  
United States District Judge.

Appearances:

HARVEY ERICKSON,

United States Attorney, and

FRANK R. FREEMAN,

Assistant United States Attorney,

For the plaintiff United States of  
America.

R. E. LOWE and

ALAN P. O'KELLY, of

PAINE, LOWE & COFFIN,

Attorneys for the Intervener.

Be It Remembered that the above entitled cause came on before the Honorable Sam M. Driver, United States District Judge, sitting without a jury, on Friday, October 14, 1949, upon the application of Shirley Doores for the release of certain monies impounded in this Court; the United States of America being represented by Harvey Erickson, United States Attorney, and Frank R. Freeman, Assistant United States Attorney for the Eastern District of Washington, of Spokane, Washington, the defendant Shirley Doores being not personally present, represented by Allan Pomeroy, attorney at law of Seattle, Washington, not personally present; the petitioning intervener Edward H. Teed being personally present and represented by his counsel, Roy Lowe and Alan P. O'Kelly, of Paine, Lowe & Coffin, attorneys at law of Spokane, Washington, whereupon the following proceedings were had and done, to wit:

The Court: I just this morning received a letter from Allan Pomeroy, attorney representing Shirley Doores, a Seattle attorney, and in this letter he says that due to events which have occurred here in Seattle it will be impossible for me to be in Spokane for the hearing in the above entitled action on Friday, October 14, 1949, therefore the matter is being submitted to you without argument. That is,

I assume, so far as he is concerned. Mr. Pomeroy also says, "in further support of the motion please find enclosed photostatic copies of the bank statements in the name of Mrs. Shirley Clayton," and so forth. The writer apologizes for being unable to properly present the matter. Now, have counsel seen these photostatic copies?

Mr. Lowe: No. We received copies of his letter.

The Court: You haven't seen photostatic copies of the bank records, however? The situation is unusual, and somewhat awkward. I doubt if there would be any basis for admission of these photostatic copies except on stipulation of counsel, unless counsel are willing to stipulate that they be admitted. Have you looked them over?

Mr. Freeman: Yes, we have, and we would except to their admission.

Mr. Lowe: We would object to their admission as being too remote, not properly identified, no opportunity to cross-examine. [2\*]

The Court: Well, I'm not sure what Mr. Pomeroy had in mind, but I think he had in mind presenting them, certainly, as evidence, so if you'll mark them, Mr. LaFramboise, as Doores identification. The moving party is Shirley Doores, who moved originally for the release of the money. Your client is Edward H. Teed, intervener?

Mr. Lowe: Yes; and did you set up a claim for it?

Mr. Freeman: No, we have not filed the formal motion to resist the petitions, but may the record show that I appear on behalf of the government?

---

\*Page numbering appearing at bottom of page of original Reporter's Transcript.



The Court: This whole thing, of course, is in the criminal case of United States of America against Shirley Doores.

Mr. Freeman: And Clayton, et al., yes.

The Court: So I suppose unless and until there is an appeal we may as well preserve the identification appearing in the original case, United States, Plaintiff; Shirley Doores, Defendant, and Edward H. Teed, intervener. That would serve the practical purpose of identifying them. Now, when you get that marked may I see it again?

(Whereupon, photostatic copies of bank statements were marked Doores Exhibit 1 for identification.)

The Court: Is this referred to or identified in any way [3] in the deposition, Mr. Freeman?

Mr. Freeman: No, your Honor.

The Court: Well, I'll consider that this document, identification 1, is offered in evidence, and there is objection to it?

Mr. Freeman: Objection, yes, your Honor.

The Court: I'll have to sustain the objection. There isn't a proper foundation laid, certainly for its admission. Now, I'm familiar in a general way with this controversy, but I think it might be helpful if you'd give me a short statement of what the situation is here and what the issue is.

Mr. Freeman: Yes, your Honor. In 1944, if your Honor please, I think in October or November of that year, this matter came to trial, United States vs. George Clayton, Shirley Doores, Ed Kelley, and I think another.



The Court: Bribery, or attempted bribery?

Mr. Freeman: In substance. There were four counts, I believe one of conspiracy, conspiring to extort money from one Dr. Teed, who is the intervenor here, and the several counts charge Shirley Doores with aiding or abetting in the extortion, and one count charges substantively the extortion of money from Dr. Teed. If your Honor will permit I'd like to give you a short resume of what the case was about. In 1943 Dr. Teed was a practicing physician in Coeur d'Alene. Sometime around the first part of 1944, while he was so practicing as a [4] physician in Coeur d'Alene, he was approached by Shirley Doores, who is one of the petitioners here, and she secured from him a number of prescriptions for narcotics. I'll not go into that any further. In any case, after having secured I think fourteen or sixteen of these prescriptions both for herself and for a third party whom the doctor had never met, but whom she contended to the doctor was suffering from a serious ailment which required narcotics, and after having got these prescriptions from Dr. Teed, she reappeared in his office some six or eight weeks after the first prescription was gotten, and told him that a narcotic officer in Seattle by the name of W. G. Graven, she called him, had learned of the execution of these prescriptions and had a warrant for his arrest, and she told him in substance that she had had dealings with Mr. Graven in Seattle before, and that she would be able to fix him. On the strength of that

representation she told Dr. Teed, I think the first payment was \$3500.00, \$3500.00 would be required from Dr. Teed to her, and she in turn would use it to fix Mr. Graven, he is a narcotic officer in Seattle, and see that he wasn't arrested or would not be further bothered with these narcotic prescriptions. That \$3500.00 was given to Shirley Doores. Within a short time afterwards she again appeared—I think after the \$3500.00 was paid a man then presented himself at Dr. Teed's office, who said that he was Mr. W. G. Graven, a narcotic inspector from Seattle. In the meantime it [5] might be said that Dr. Teed in his testimony admitted he knew there was a W. G. Graben who was a narcotic officer stationed in Seattle, but had never met him, so this man, who turned out to be Kelley, one of the defendants, turned up and said, "I am W. G. Graven; I have a warrant for your arrest, here are my credentials," and pulled them out of his pocket, didn't present them, and put them back in his pocket. He told the doctor he had a warrant for his arrest. He indicated to the doctor that he could be, in substance, fixed.

Shirley Doores and the man purporting to be Mr. Graben left the office, and within a week Shirley Doores again appeared and said \$3500.00 wasn't enough, and I think on the second trip she stated that an additional figure of, if I'm not mistaken, \$3,000, two or three thousand dollars, was necessary additional. I think she stated at that time that Mr. Graven had some other fellow employees in the

narcotic office who also would have to be fixed, and mentioned specifically a Mr. Bangs, and incidentally, there was a Mr. Bangs in the office in Seattle, and Dr. Teed being fearful of arrest, a second \$3,000 was passed. A short time afterward Shirley Doores again appeared to Dr. Teed, perhaps not at the office, and indicated to him the second payment was not sufficient, and that \$6500.00 more would be required, which Dr. Teed secured and paid her, an additional \$6500.00, to fix both Mr. Bangs and Mr. Graben in Seattle. [6]

As a result, and without going further into detail, it is Dr. Teed's contention, and was substantially proven at the trial, that a total of \$14,270.00 was paid by Dr. Teed to Shirley Doores as and for the purpose of bribing or attempting to bribe what he supposed was a federal narcotic officer in Seattle by the name of Graven and another by the name of Bangs, when of course in truth Mr. Graben or Mr. Bangs had no knowledge, and this Mr. Kelley appeared and represented himself as being Mr. Graben. That's the substance of the case, if your Honor please. Clayton, incidentally, engineered the scheme, and Shirley Doores and Kelley were instrumental in carrying it out. I think Clayton made the statement that he was afraid he might be known to Dr. Teed if he personally presented himself to Dr. Teed, so he, after engineering the scheme, left it to Shirley Doores and Kelley and Shirley's brother to carry out, so in substance during the course of this two months or longer she ob-

tained \$14,270.00, then after he had paid that much he began to get suspicious and called in the sheriff and had them arrested, and that is the case out of which this case arose, heard before Judge Schwellenbach in 1944, appealed to the Circuit Court of Appeals, and there affirmed.

The Court: There's a defendant by the name of Clayton?

Mr. Freeman: Oh, yes, this is most material. May I digress for a moment? As far as the money here involved is [7] concerned, the \$5,950.00 plus an additional \$200.00, or \$6,150.00, is in the registry of the court. Your Honor will recall about a year ago you signed an order depositing it in the registry of the court. Before the trial of this case Shirley Doores while incarcerated was brought before Mr. Connelly, in the presence of Mr. Smith, who was with the F. B. I. at that time, and in Mr. Connelly's office she told Mr. Connelly she had some of this money in a safe deposit box under the name of Vera Wilson. I think she petitions now as Velma Rock, which is also an alias. In any case, she admitted to Mr. Connelly and Mr. Smith that the money was Dr. Teed's, and she took them to the Old National Bank to a safety deposit in the name of Vera Wilson and removed therefrom in the presence of Detectives Allbright and Anderson, and Ray Lamb, and Mr. Smith, as well as the Marshal, she removed from the box in her assumed name the sum of \$5,950.00 in twenty, fifty and one hundred dollar denominations, and again admitted at that time that it was Dr. Teed's money.

The Court: The position of the government in this case, then, was a stakeholder, or do you claim that the money should remain in the registry of the court?

Mr. Freeman: It's our contention the money should remain in the registry of the court, and that it was a part of the fruit of the crime, and being in *pari delicto*, neither has a right to its recovery. The other \$200.00 was in a safe [8] deposit box in the First National Bank in Spokane. Are there any further questions? It's an involved case, and I've give you probably a brief statement.

The Court: I think that's a sufficient background. Do you have anything to add to it, Mr. Lowe?

Mr. Freeman: May I add one last sentence? At the time of the trial of this case the Marshal, Mr. Bezona, was called as a witness and asked to produce the \$5,950 or \$6,150 in his possession, and he stated that he had compiled a list of the bills, ten, twenty, fifty and one hundred dollar bills, and their serial numbers, and Judge Schwellenbach admitted those in evidence in place of the actual cash.

Mr. Lowe: Counsel has made a very fair statement of the facts. I would submit some additional things for the information of the court. Dr. Teed is claiming the \$5,950 which was in the safe deposit box in the Old National. The other \$200.00 was in some other box, and it was not claimed, I believe, that that was money received from Dr. Teed, so we're not claiming that. Also I might say this:



We had a conference with Mr. Freeman the other day, and we reached a conclusion in our own minds with which I believe he agreed, that as far as the government and Dr. Teed is concerned there's no dispute about the facts. We were anticipating a situation where we were both going to have to resist Shirley Doores' claims, and she's not here, she's out of the way. It is necessary, I [9] believe, on the part of Mr. Freeman and myself that these admissions were made that this is the same identical currency as was secured from Dr. Teed.

The Court: Let's see, now, were you planning on using the deposition of Shirley Doores?

Mr. Lowe: No; she denied it was the same money.

The Court: Do you have the deposition?

Mr. Freeman: I have the deposition, your Honor, however, I think probably—it was my belief that Shirley would of course testify here, and for that reason the deposition is not as complete, as I expected it would be supplemented, of course, with her cross-examination here, and for that reason I think probably I should object, if I'm not in a position to withdraw it, to object to its admission before the court, because it is not complete and does not purport to be complete.

Mr. Lowe: I have never seen the deposition, but from what Mr. Freeman tells me of the contents, we would likewise object to it.

The Court: The Court is in rather a difficult position when neither the claimant nor the attorney appears, and yet submits the matter. I feel their

interests should be protected insofar as the Court can protect them.

Mr. Freeman: That's true.

The Court: Here's the statement with reference to the deposition: "Mr. Freeman took a deposition from Shirley [10] Doores here in Seattle this last summer, and if he makes it available to the court by filing it herein, we submit that testimony in support of the motion." That's a rather equivocal statement, in a way; Mr. Freeman hasn't filed it.

The Clerk: The deposition is required to be filed in my office by the court reporter who took the deposition. That has been done, but the deposition has never been published.

The Court: Mr. Freeman has not asked for its publication. Possibly I interrupted you.

Mr. Lowe: I interrupted myself, as a matter of fact. In addition to the statement Mr. Freeman gave, I think the record in the other case shows both Clayton and Kelley denied they received anything except a very small portion. Shirley held out on them; I believe she told them she got \$1400 or \$1500, and according to their own testimony, she didn't testify as to those facts, according to their testimony they received only a very small amount of it. Also the evidence shows in this case and we expect to show here that within a very few days after this woman received the first payment from Dr. Teed she rented a safe deposit box in the Old National Bank, the original signature card is in the record of the case, together with various entry cards later on which correspond very closely to the days when she

received these additional payments from the doctor; I think I'm correct on that.

Mr. Freeman: Yes, that's correct. [11]

Mr. Lowe: April 24 she opened the box, and I believe she received the first payment the 17th or 18th, and the opening of the box at later times correspond to times she received the funds.

The Court: This is a proceeding that grows out of this criminal prosecution. Is it your thought that the Court could consider the testimony and the exhibits in this principal case in connection with this further problem? I doubt that.

Mr. Lowe: I doubt it myself, but I suggested to Mr. Freeman, and I think he's in accord with that, he anticipated that Dr. Teed might testify differently in this hearing than he did before, and this is our stipulation, that we use the cross-examination of his testimony at the trial before. I suggested that we were willing that the whole record be submitted to the Court for consideration.

Mr. Freeman: Including the exhibits.

Mr. Lowe: Including the exhibits. What bothers me is we have this other claimant in the case not present in the court room. Mr. Freeman and I would agree very quickly that the whole record be submitted to the court, and that would save calling Dr. Teed. It was purely a charge of extortion from Dr. Teed, and he was the principal witness for the government, and we're willing to submit his testimony and all the testimony in the other case. In fact, we have the record here of the testimony, prepared to give it to the court. [12]



The Court: I wonder perhaps if a little safer procedure might not be—I doubt that I can take stipulations of you two, since the other party is before the court, and I wondered if it might not accomplish the same purpose if one of you would offer the testimony you wish to bring in here, or whatever you wish to use from the record, and if there's no objection made, I think I could admit it; if the party isn't here to object I wouldn't think he'd be in a position to object on appeal.

Mr. Freeman: Before that is done, I wonder, has Shirley Doores or her attorney been advised of the consolidation of these two petitions?

The Court: The notice which was sent out specifies both matters here. It gives notice of the time of trial of the motion of Shirley Doores for release of money in registry, and petition in intervention of Edward H. Teed, so that Miss Doores and her attorney have notice that both these matters would be heard today.

Mr. Lowe: As a matter of fact it might be well, we have a letter from Mr. Pomeroy acknowledging receipt, haven't we, and suggesting we might get together, or something? It might be well to put that in the record.

The Court: The attorney in this letter which I received this morning doesn't ask for a continuance or protest the hearing in any way; he simply indicates very clearly that he's [13] submitting it, and if you have the printed record of the testimony there, or a copy, why not offer it in evidence, Mr.

Freeman? The exhibits will be printed, I suppose.

Mr. Freeman: They're printed in the record, if your Honor please.

Mr. Lowe: The original exhibits are in the clerk's office.

Mr. Freeman: We can stipulate probably that the original exhibits can be attached to this record, but we in consolidation, the United States Government as well as Dr. Teed, by joint motion offer the complete record in the case of George Clayton vs. United States of America in evidence, as well as the original exhibits in the matter offered at the time of trial.

The Court: It's understood the clerk may attach the exhibits?

Mr. Lowe: Yes.

The Court: If you'll mark them, they will be admitted, then.

(Whereupon, transcript in two volumes, record on appeal in #10972, was marked U.S.A. Exhibit No. 2 for identification.)

Mr. Freeman: Incidentally, I've underscored just a few pages in that record, not very much.

The Clerk: I may have another printed copy of this in my office; it wouldn't have the notes. [14]

The Court: Is it all right for Mr. LaFramboise, then, to get his copy out of the clerk's office, and Mr. Freeman can have his. It would be inconvenient for you, I presume, to have to mark another copy.

Mr. Lowe: We were unable to find one the other day up at Mr. LaFramboise's. There's nothing in there to prejudice the Court.

The Court: Well, mark this one, and it's understood he may replace it with the other copy if he finds it in the clerk's office.

Mr. Freeman: Your Honor, if another copy isn't found may I have the right to use that as well as the Court?

The Court: Yes, you may use that. Now, I'm not sure just who is the moving party here. I think originally Shirley Doores was the one who presented the first motion, wasn't she?

Mr. Freeman: Yes, your Honor.

The Court: It doesn't make any difference, really.

Mr. Lowe: His witnesses are our witnesses, too. There's one witness I interviewed, and it will not be necessary to call him because of the stipulation. Mr. Freeman has some witnesses here whom he's told us about.

The Court: Now, the matter of this deposition bothers me. I understand that Mr. Freeman objects to its publication. Have you any objection, Mr. Lowe, that you wish to urge about [15] it?

Mr. Lowe: Certainly if counsel were here, or his client, I would object to the deposition being used, no question about it. I don't want to have any error in the record so far as Shirley Doores is concerned.

The Court: I'm a little bit concerned about that situation, since counsel has indicated for Shirley

Doores that he desires the deposition. I'll say this, that I feel I should offer its publication in behalf of Shirley Doores, since her counsel has indicated he wishes to use it. Now, I'll hear any objection you have. I think you've already indicated an objection.

Mr. Freeman: Yes.

The Court: As I understand, neither one of you wishes to be sponsor for it.

Mr. Lowe: We will join in the government's objection.

The Court: It will be published, then, over objection of the parties. Was Shirley Doores convicted of a felony in this proceeding here?

Mr. Freeman: Yes, your Honor.

Mr. Lowe: She pleaded guilty.

The Court: Does that appear in her deposition?

Mr. Freeman: I think, yes, it does. The number of counts isn't mentioned.

The Court: The thought I had in mind is whether the court [16] could take judicial notice of her conviction, in passing upon her credibility as a witness.

Mr. Lowe: She was called as a witness in the main case just to testify to one fact, and at that time testified she had pleaded guilty and was awaiting sentence.

Mr. Freeman: And in this deposition she acknowledges her conviction.

The Court: Do you have copies of this Mr. Freeman?

Mr. Freeman: Yes, I have a copy, if your Honor please.

The Court: I wonder if it wouldn't be helpful and make for an orderly procedure here if we'd have this read. If one of you will ask the questions and the other make the answers I think it will be a little more intelligible.

Mr. Lowe: As a convenience and a courtesy to our opponent, who is not here.

The Court: Yes, and I think it would be more helpful to the Court.

(Whereupon, having been duly published by order of the Court, the deposition of Shirley Doores was read, as follows:)

Oral Examination Prior to Trial of  
Petitioner Shirley Doores  
August 12, 1949

Appearances:

Allan Pomeroy, Esquire, Attorney-at-Law, [17] appearing for and on behalf of Petitioner.

Frank R. Freeman, Esquire, Assistant United States Attorney, appearing for and on behalf of Plaintiff.

Mr. Freeman: It is stipulated and agreed by and between Mr. Allan Pomeroy, attorney for Petitioner Shirley Doores, and myself as Assistant United States Attorney, that the deposition of Shirley Doores may be taken at 1905 Smith Tower, Seattle, Washington, on this 12th day of August, 1949, at two o'clock p.m.

It is further stipulated by and between respective counsel that statutory notice for the taking of such deposition is waived.

It is further stipulated that the signature to the deposition is waived; and that all objections including as to form, materiality, relevancy, and competency as to any and all questions and answers are reserved until the time of trial, and they are not deemed to be waived by failure to take same during the examination.

Mr. Pomeroy: That is agreeable.

## DEPOSITION OF SHIRLEY DOORES

### SHIRLEY DOORES

being first duly sworn, was examined and testified on oath as follows:

#### Direct Examination

By Mr. Freeman:

Q. What is your name, please?

A. Shirley Doores.

Q. Is that Miss or Mrs.? [18]

A. My name is really Mrs. Shirley Rock, but this case was under the name of Shirley Doores.

Q. You are presently known as Mrs. Shirley Rock?      A. Yes.

Q. I will refer to you, if you don't mind, as Shirley Doores during the taking of this deposition.

A. That is all right.

Q. Miss Doores, you are the Petitioner in this matter—that is, you have filed a petition in federal court seeking to recover some \$6,150 taken from



(Deposition of Shirley Doores.)

your possession some time during May, 1944, just previous to the trial of the Clayton-Doores extortion case?      A. Yes.

Q. Now, Miss Doores, that \$6,150 was taken from your possession how? How was it taken—just for the record? Was it located in a safe deposit box or where?      A. Yes, I voluntarily turned it over.

Q. All of the \$6,150?      A. Yes.

Q. I think there was \$5,950 located in the safety deposit box at the Old National Bank in Spokane, and wasn't there an additional \$200 in the safety deposit box at the First National Bank in Spokane?

A. Yes.

Q. So that there was a total of \$6,150 that you are seeking [19] to recover in all?      A. Yes.

Q. Now, you say you voluntarily turned it over *the* the government?      A. Yes, I did.

Q. To whom?

A. To Ed Connelly. No, I am not sure he was there that time. Possibly he wasn't. But Mr. Bezona and——

Q. And Mr. Smith of the F. B. I.?

A. I don't remember any of the names, Mr. Freeman, but Mr. Anderson.

Q. Do you remember Mr. Albright?

A. I don't believe Mr. Albright was there, although I am not sure of that. I don't exactly remember how many were there. There were several in there that day. I remember Mr. Bezona. Yes, Mr. Albright was there, too, and the federal men.



(Deposition of Shirley Doores.)

Q. Now, prior to the time you and these officers were down to the Old National Bank in Spokane you had a discussion with Mr. Connelly in his office in the United States Attorney's office in Spokane?

A. Yes, I did.

Q. What was the crux of that conversation with respect to this money?

A. Oh, Mr. Connelly asked me if I had any money on me and I [20] said, "Mr. Connelly, I can turn you over an amount of money. I am not saying it is Teed's. It is my money. I can turn it over to you."

Q. Who was present in his office at the time that conversation took place?

A. I remember Mr. Anderson being there and someone else, but I don't remember who.

Q. Do you recall Mr. Albright being there?

A. No, I don't.

Q. Or any of the F. B. I. men?

A. Yes, I am quite sure there was one man, there. They had taken me over, and coming back we were in the car, and in the car they had asked me, "Shirley, have you got any money? You would be better off to turn it over to this man, and if it is your own, it can be proven so, and you will be able to keep it." So I think there were two men that was in the car that day. I definitely remember Mr. Anderson because he was the one who brought me from the city jail to Commissioner Kelly.

Q. Was that the same day that you were in Mr. Kelly's office?

(Deposition of Shirley Doores.)

A. That was the same day. Now, wait a minute. I don't remember whether I met him or whether they called me and told me, but I am quite sure we were up——

Q. To Mr. Connelly's office.

A. And he said, "Go ahead and take her out."

Q. Can you place in your mind the approximate date of the conversation with Mr. Connelly in his office?

A. I asked to speak to Mr. Connelly alone.

Q. Would you say that was some time in May 1944 approximately?

A. I was arrested in May, is that right?

Q. I think so; early May.

A. Maybe it was four or five or six days after I was arrested or three days.

Q. Now, you don't recall specifically whether Smith of the F. B. I., one of the F. B. I. agents, was in the office?

A. No, I don't although I think I have seen him. I was in rather bad condition that day.

Q. And at that time you advised Mr. Connelly that you had some money in your safety deposit box?

A. I will tell you——

Mr. Pomeroy: Just answer the question he asks. Don't volunteer a lot of stuff, but wait until he asks the question.

A. Yes.

Q. And at that time did you advise Mr. Connelly that you had some money in your safe deposit box?

A. Mr. Connelly informed me that they were

(Deposition of Shirley Doores.)

taking my picture around to all the banks and safety deposit boxes, and if I had any money, sooner or later it would be found. He said, "There is no use for all you people to be in trouble." [22] I had told Mr. Connelly Mr. Clayton had nothing whatsoever to do with it, and when he spoke about the money I said, "The only thing I can do is give you my money."

Q. Did you mention at that time how much money you had in the safety deposit box?

A. No.

Q. You did specifically tell him, however, it wasn't your money at that time?

A. I told him it was not Teed's money. I said it was my money and not Teed's money.

Q. Did you go from there, Mr. Connelley's office, down to the safety deposit box at the Old National Bank?

A. I went out to my home first and from my home back to the safety deposit box.

Q. I did not hear you.

A. I went from my home to the box.

Q. To the Old National Bank? A. Yes.

Q. And that box was under whose name?

A. I had it under the name of Vera Wilson.

Q. Who is Vera Wilson?

A. I used it as an,—well—

Q. Vera Wilson was an alias of yours?

A. Yes.

Q. Who was present at the time the safety de-

(Deposition of Shirley Doores.)

posit box at [23] the Old National Bank was opened,—to the best of your recollection?

A. Mr. Anderson, Mr. Bezona, Mr. Albright, and the other man I don't remember.

Q. Do you recall whether any of the F. B. I. agents were there?

A. Yes, I believe there was.

Q. You don't recall any of their names?

A. No.

Q. How much was taken, do you recall, from that safe deposit box? How much money?

A. \$5,950.

Q. In currency? A. Yes.

Q. All in currency? A. Yes.

Q. Do you recall the denominations of those bills?

A. I think there was some fifties and hundreds. I don't remember whether there was any smaller than that or not.

Q. And to whom did you give it? Did you take them out of the safe deposit box yourself?

A. No, they opened the box themselves and took it out.

Q. What happened to the key to that box? Did you have it in your possession prior to the opening of the box? A. Yes, I did. [24]

Q. What did you do with the key?

A. They took the key.

Q. You gave them the key? A. Yes.

Q. Now, after the box was opened this money

(Deposition of Shirley Doores.)

was taken from the box by whom, do you recall?

A. They were all standing around there.

Q. Was the money counted in your presence?

A. Yes.

Q. Did you make any statement to these officers as the money was being taken out of the box that the money was yours?

A. The only thing I said was, it wasn't Dr. Teed's money.

Q. It wasn't Dr. Teed's money?

A. That is right.

Q. Did you make any statement as to whose money it was? A. Yes.

Q. What statement did you make?

A. I said my father had given me the money.

Q. You said your father gave you all the \$5,950?

A. Yes, I did. In fact, he gave me more than that.

Q. He gave you more than that? A. Yes.

Q. Now, do you recall there was an additional \$200 taken from the safe deposit box at the First National Bank of Spokane? Is that right? [25]

A. Yes.

Q. Were you present at the time that was taken?

A. No.

Q. Did you make any statement to anyone as to whose money that \$200 was? A. No.

Q. Is it not a fact that you said the \$200 which was taken from the box at the First National Bank belonged to your father?

(Deposition of Shirley Doores.)

A. I could have, but I don't remember.

Q. And is it your recollection now with reference to the \$5,950 taken from the safe deposit box at the Old National Bank at Spokane that you said to the officers that that was your father's money or given to you by your father?

A. Yes, I think so.

Q. You said that was your money given to you by your father?           A. Yes.

Q. Now, do you recall, Miss Doores, stating at the time you were in Mr. Connelly's office or later at the Old National Bank at Spokane,—to any of these officers or to Mr. Connelly or any of the F. B. I. operatives that this money belonged to Dr. Teed?           A. If I did, I don't remember it.

Q. If you did, you don't remember it?

A. No. [26]

Q. Would you say that you did not?

A. I frankly don't remember. I was under the influence of narcotics.

Q. Now, Miss Doores, how many days had you been in jail prior to the time those boxes were opened?

A. I had been in jail,—I believe it was from a Wednesday to Monday, but we went out to the house first,—my home.

Q. Do you advise us now that you had some narcotics at your home?           A. Yes, I did.

Q. You were under the influence of narcotics at the time you went to the box?           A. Yes.



(Deposition of Shirley Doores.)

Q. From whom did you get the narcotics?

A. I did not get them from anyone. They were in the bathroom. I went in and got them.

Q. And from your home you went directly to the box at the bank? A. Yes.

Q. Then I understand that during the time of the conversation in Mr. Connelly's office you were not under the influence of narcotics?

A. I was sick.

Q. You were sick?

A. I was so sick I could hardly move. [27]

Q. Do you recall quite plainly the conversation that took place in Mr. Connelly's office?

A. Not everything, no.

Q. Do you recall fairly well the conversation that took place between you and the officers down at the Old National Bank at Spokane in the safety deposit vault? A. No, I don't.

Q. Now, Miss Doores, your petition for the return of this money, the \$6,150, is on the basis that it is your money? A. Yes.

Q. And that it is not and never was Dr. Teed's money, is that right? A. Yes.

Q. Miss Doores, after that money was taken from your safe deposit boxes in the First National and the Old National banks at Spokane did you subsequently make to anyone any statement to the effect that it was your money and not Dr. Teed's?

A. I said that in counting the money.

Q. Where was that?



(Deposition of Shirley Doores.)

A. Right in the place; right in the bank.

Q. Right in the bank. But I mean later, after you had left the bank. Did you ever inform any-one it was your money and not Dr. Teed's money? Did you make any claim to any of that money or for the return of it? [28]

A. At the time?

Q. No, later. Subsequently. After the money was taken from the safe deposit box.

A. The suing case was brought against——

Q. The suing case? A. Yes, by Dr. Teed.

Q. By Dr. Teed against you?

A. Yes. Then Dr. Teed started suit against me for what was supposed to be \$14,000 I took from him.

Q. What has that to do with the question I asked you?

A. Well, they put the hold on the home and the car, and said the money would be held in Mr. Connelly's office.

Q. The \$6,150? A. Yes.

Q. Did you at that time make your claim for the return of this money to you?

A. I don't remember whether I did or not.

Q. As a matter of fact, Miss Doores, since the day this money was taken from the safety deposit box you made no claim for the return of this money, is that right?

A. Yes, I tried to get Gleason—Harold Gleason.

Q. Did you go up and see Mr. Connelly again

(Deposition of Shirley Doores.)

about the return of this money?

A. I did not see Mr. Connolly about it. After I got my sentence I tried to pay Mr. Clayton's fine. [29]

Q. Your only basis then on which you seek to recover this money is that it is yours, is that right? A. That is right.

Q. You make no contention it was unlawfully seized from you?

A. I had already spent what I had gotten from Dr. Teed.

Q. I am talking about this money. You voluntarily turned the money over to Mr. Connolly as a federal officer? A. Yes.

State of Washington,  
County of King—ss.

I, James R. Royse, a notary public in and for the State of Washington residing at Seattle in said county and state do hereby certify:

That the annexed and foregoing pre-trial oral examination of Shirley Doores, Petitioner, as an adverse witness at the request of plaintiff was taken before me on the 12th day of August, 1949, beginning at the hour of two o'clock p.m. in room 1905, Smith Tower building, Seattle, Washington, pursuant to oral stipulation between counsel and was thereafter reduced to typewriting under my personal direction; and

I certify that the above named witness before

examination was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth; and

That the requirement as to the signing of this testimony by said witness was by counsel expressly waived; that this [30] pre-trial oral examination as heretofore annexed is a full, true and correct transcription of all the testimony of said witness including questions, answers, and statements of counsel; and

That this pre-trial oral examination has been retained by me for the purpose of filing with the Clerk of the United States District Court in the United States Court House at Spokane, Washington; and

Lastly, I certify that I am not connected with or related to any of the parties to said action or their respective counsel, and I am not interested in the event of the cause.

In witness whereof I have hereunto set my hand and affixed my notarial seal this 15th day of August, 1949.

/s/ JAMES R. ROYSE,

Notary Public for the State of Washington, residing at Seattle.

(Notarial seal affixed, commission expires Dec. 3, 1951.) [31]

The Court: Do you wish to proceed, then, Mr. Lowe, or would you prefer to have Mr. Freeman?

Mr. Freeman: Well, your Honor, I think probably we should finish Miss Doores' part of the case. We have some testimony here in refutation of her representations.

The Court: I think that might be the orderly way to do it.

The Clerk: On the offer made jointly by Mr. Lowe and Mr. Freeman I don't believe the record is clear that you have admitted those exhibits.

The Court: The record may show that identification number 2 offered by the United States, the record which includes the original exhibits, will be admitted in evidence.

Mr. Lowe: The record will show that Dr. Teed joins in the offer.

The Court: Yes, that Dr. Teed joined in the offer of the exhibit.

(Whereupon, U. S. A. Exhibit No. 2 for identification was admitted in evidence.)

### SAMUEL D. SMITH

called as a witness on behalf of the United States, being first duly sworn, testified as follows:

#### Direct Examination

By Mr. Freeman:

Q. Will you give us your name, please?

A. Samuel D. Smith.

(Testimony of Samuel D. Smith.)

Q. What is your occupation, Mr. Smith? [32]

A. I am a special agent of the Federal Bureau of Investigation.

Q. How long have you been a special agent?

A. Since March of 1940.

Q. You're presently stationed in Kansas City, Mr. Smith?

A. Yes, sir.

Q. Were you stationed at one time in Spokane?

A. I was.

Q. During the year 1944?

A. Yes, sir.

Q. Did you take part in the investigation of the George Clayton-Shirley Doores extortion case?

A. Yes, sir.

Q. As a matter of fact you were in charge of the investigation on behalf of the Federal Bureau of Investigation, is that so?

A. Yes, sir.

Q. Mr. Smith, were you present at a conversation between Shirley Doores and Mr. Connelly in Mr. Connelly's office in the Federal Building here in Spokane sometime during the spring of 1944?

A. I was.

Q. To your knowledge were you present with her in Mr. Connelly's office on more than one occasion?

A. Not after her arrest; I don't recall of any other occasion [33] except one time she requested to come over to see Mr. Connelly.

Q. After her arrest?

A. That's right.

Q. Then according to your recollection you were present with her in Mr. Connelly's office twice subsequent to her arrest in the spring of 1944?

(Testimony of Samuel D. Smith.)

A. I believe it was twice. I'm not sure about the second time. I'm positive I was there one time.

Q. That was prior to the trial of the criminal case? A. That's right.

Q. Mr. Smith, while you were so in Mr. Connelly's office in the presence of Miss Doores and Mr. Connelly was any conversation had in your presence between Miss Doores and Mr. Connelly and yourself relative to a sum of money on deposit in either the Old National or First National Bank in Spokane, in a deposit box rented by Shirley Doores?

A. She told Mr. Connelly that the money in question was in the Old National Bank in a lock box.

Q. Did she amplify that a little bit as far as the money in question was involved?

A. If I can recall exactly the words she said, she said, "Ed, the money is in the lock box in the Old National Bank, and I'll give them the key to get in the lock box. It's out at the house." Those are the words that I recall her [34] using.

Q. Did she at that time in Mr. Connelly's office, Mr. Smith, say whose money was in her box?

A. Not in Mr. Connelly's office.

Q. She did not make any statement as to Dr. Teed then?

A. Specific statement; she referred to it as "the money."

Q. As "the money"? A. That's right.



(Testimony of Samuel D. Smith.)

Q. Now, after the conversation was completed in Mr. Connelly's office where did you go then, Mr. Smith?

A. We went out to her home out here in the valley, I've forgotten the exact address.

Q. With Shirley?

A. That's right, Mr. Allbright, Mr. Anderson, Mr. Bezona, and myself.

Q. Now, who beside yourself and Miss Doores was present in Mr. Connelly's office in the conversation you just referred to?

A. I don't recall anyone.

Q. Just the three of you?

A. Just the three of us.

Q. After you went to Shirley Doores' home, where did you go then?

A. We went in her home. We had searched her home prior to that time looking for the key. She said, "There's no need [35] to look any further, I'll show you where the key is" and she gave us the key at that time to the lock box.

Q. Was she at any time out of your sight while she was in her home?      A. Not as I recall.

Q. You saw her take no narcotics?

A. No, sir. As a matter of fact, we had searched the house and taken all that we thought looked like morphine at the time before that.

Q. You knew that she had been a narcotic addict for many years?      A. Yes, sir.

Q. After you left her home where did you then go?



(Testimony of Samuel D. Smith.)

A. Came back to the Old National Bank.

Q. With Shirley Doores? A. Yes, sir.

Q. Now, what was done there, in your own words, Mr. Smith?

A. She had given us the key, and when we arrived and the box was pointed out as to number in the presence of Mr. Bezona, Mr. Anderson, Mr. Allbright and myself, she says, "Go ahead and open it."

Q. First, do you recall in whose name was that box?

A. I thought it was Velma or Vera Wilson; I forget the first name. I thought it was Velma, it might have been Vera; I know the last name was Wilson. The box was opened, the [36] gentleman at the bank who has charge of the lock boxes was present; there was a stack of money in the lock box. It was taken out, and underneath the money was an envelope which contained a deed to some property some place. That was looked at and put back in the box, then Mr. Bezona and the—I'm not sure about the gentleman at the bank, I believe Mr. McWilliams was his name, counted the money, and Mr. Bezona counted the money, and all of us was standing there watching the counting of the money being made.

Q. During that time or at the time the box was opened did Shirley Doores make any statement as to that money or the ownership of it?

A. She did.

(Testimony of Samuel D. Smith.)

Q. What did she say?

A. She said, "This is part of the \$14,000 I took from Dr. Teed." She referred to Dr. Teed as the sucker; she didn't use his name as such, Dr. Teed, but the "sucker."

Q. Did she mention the name Dr. Teed at all?

A. I later asked her if she meant Dr. Teed, and she said she meant Dr. Teed.

Q. Was the money counted at that time, Mr. Smith?      A. Yes, sir, it was counted.

Q. How much was there?      A. \$5,950.00.

Q. In what denominations?

A. As I recall there were some twenties, fifties, and hundreds, I think that's the way it was.

Q. Now, was any other statement made by Shirley Doores at the time in addition to what you have already stated concerning the ownership of this money?

A. Not right at that particular time. There was a statement she made to me later on, or just before——

Q. When was this?

A. It was later on, I'm sure.

Q. The same day?

A. Yes, it was the same day, about the times that she's make her deposits would be the days—I asked her if she went to the bank after each collection from Dr. Teed, and she said she did, and put the money in the deposit box, that she'd get. I don't know whether that was there at the

(Testimony of Samuel D. Smith.)

bank or back up here at the office or just where it was, but I recall it was that day.

Q. Now, back down at the safe deposit box, Mr. Smith, to whom was the \$5,950.00 turned over?

A. Mr. Bezona took possession of it.

Q. Who was present at the opening of that box? Were Detectives Allbright and Anderson there?

A. Yes, sir.

Q. Anyone else besides yourself and Bezona and Shirley? [38]

A. Mr. McWilliams, the officer of the bank, was there, maybe Ray Lamb, I think Ray was there, and maybe Luther Glass. Lamb and Glass were agents. Lamb and Glass, I'm not sure about their presence, I just can't, but I know they worked with me that day, but whether they were right there at the bank I don't know. I think Lamb was present, I'm pretty sure he was.

Mr. Freeman: You may inquire.

### Cross-Examination

By Mr. Lowe:

Q. Just to complete the record, the Mr. Bezona to whom you then refer was then the United States Marshal for this district and is still the United States Marshal for this district?

A. Yes, sir.

Q. I wanted to make a record of that. In Mr. Connelly's office prior to the reference by Miss Doores or Mrs. Doores or whatever her name is

(Testimony of Samuel D. Smith.)

to the money being in the Old National Bank, I take it there had been some discussion of the money which had been taken from Dr. Teed?

A. I believe Mr. Connelly had asked her where the money was, and she said the money is in the Old National Bank. I can't remember the exact terms that was used.

Q. No, I understand, but the point I was trying to make that would clarify the court's mind was that the subject matter under discussion was money which this woman had gotten [39] from Dr. Teed, is that correct?

A. That's right, along with other matters, too.

Q. Yes, that's already in the record. I wanted to clarify that, Mr. Freeman. Well, you didn't ride over from the jail with the lady to Mr. Connelly's office, I take it, did you?

A. Sir, I've forgotten, I don't know whether I did or not.

Q. Well, anyway, did she in your presence at any time during the conversation with Mr. Connelly or on the way out to her house complain of being ill or not well and not herself?

A. No, sir.

Q. Did she appear to you to be in normal mental and physical condition?

A. Yes, sir.

Mr. Lowe: I believe that's all.

The Court: When Miss Doores went out to the house or when you took her out to her house she was in custody at that time, of course?

A. Yes, sir.

(Testimony of Samuel D. Smith.)

The Court: And was taken out of the jail for the purpose of getting the key to the safety deposit box?

A. The trip out to the house was, sir. She requested to come to talk to Mr. Connelly, and while there she requested to go out to the house and get the key, and he [40] instructed Mr. Bezona to take her to the house.

The Court: I assume, then, that somebody kept an eye on her while she was at the house?

A. Yes, sir.

The Court: Would it have been possible for her to take narcotics without being observed?

A. I don't think it could have been; I don't think we allowed her to go in the bathroom alone; I think Mr. Anderson stood right at the door.

The Court: Did she show any evidence of being under the influence of narcotics at the bank?

A. No, sir.

### Redirect Examination

By Mr. Freeman:

Q. Where did she get the key?

A. It was in the pasteboard roller around which the toilet paper is wrapped, in the bathroom, you know those clamps that clamp at the end of the toilet paper roll, the key was in that.

Q. Did you observe that yourself?

A. I did, sir.

(Testimony of Samuel D. Smith.)

Recross-Examination

By Mr. Lowe:

Q. Mr. Smith, you referred to having searched the house looking for the key; did I understand you to say that?      A. That's right.

Q. So you had known before this time she had a safe deposit [41] box?      A. Yes, sir.

Q. Had she told you that, or did you learn by investigation?

A. We learned exactly the way it was registered by investigation; she did not tell us that.

Q. I thought there might have been some conversation with her prior to that time about having a box with money in it, before she came to Mr. Connelly's office.

A. There was some discussion about the one at the First National.

Q. If I may, with reference to the money in this box at the First National, that I believe was \$200.00?      A. Yes, sir.

Q. Did you hear her make any statement as to where she had gotten that money, as distinguished from money in the Old National?

A. There was a statement made by her; it was in an envelope, and I think she gave us the key to that lock box without any argument at all. She said that money belongs to, I don't know whether she said "my father" or some relative. It could have been her father. It was a relative, I don't remember which.



Mr. Lowe: I think that's all.

Mr. Freeman: That's all.

(Whereupon, there being no further questions, the [42] witness was excused.)

### HARRY C. ALLBRIGHT

called as a witness on behalf of the United States, being first duly sworn, testified as follows:

#### Direct Examination

By Mr. Freeman:

Q. Your name, please, sir?

A. Harry C. Allbright.

Q. I understand, Mr. Allbright, you're presently a retired city detective?

A. Yes, sir, last August.

Q. You were a detective employed in the Spokane Police Department in the years 1943 and 1944, were you not, Mr. Allbright?

A. I was.

Q. Were you acquainted with Shirley Doores at that time, 1944?

A. Yes.

Q. Mr. Allbright, were you present with Mr. Bezona, Mr. Smith, and several others at the opening of a safe deposit box in the name of Vera Wilson at the Old National Bank in Spokane in the spring of 1944?

A. I was.

Q. Who else, to the best of your recollection, was also there, Mr. Allbright?

A. Anderson, Smith, Bezona, myself, and I believe Mr. McWilliams of the bank, as I recall. [43]



(Testimony of Harry C. Allbright.)

Q. Now just tell us in your own words, Mr. Allbright, what took place at the safe deposit box or the safe deposit vault of the bank when you were there. First, let's see if we can place that date a little more specifically. Can you recall approximately what month?

A. I think it was May 29.

Q. Of 1944? A. 1944.

Q. Yes; just tell us what transpired there that —was it morning, or afternoon?

A. I believe it was in the late morning. We had went into the bank, and the operator of the safety deposit boxes down there had taken the key, and he opened the box.

Q. Taken the key from whom, Mr. Allbright?

A. From Mr. Smith.

Q. From Mr. Smith?

A. Yes, and he opened the deposit box, and Mr. Smith, I believe, if I remember right, had him take the money out of the box, and at that time it was counted out in front of her and in front of the Marshal, and was later turned over to the Marshal and the Marshal re-counted it, and then he got himself a safety deposit box there at the bank and left the money in the bank.

Q. Do you recall how much was in the box?

A. \$5,950.00. [44]

Q. In what denominations?

A. As I remember, it was twenties, fifties and hundreds.

(Testimony of Harry C. Allbright.)

Q. Now, Mr. Allbright, at the time that money was taken from the box do you recall any statement made by Shirley Doores in your presence as to the source of that money?

A. She had been asked several times whose money it was, and she referred to Dr. Teed as "the sucker."

Q. As "the sucker"?

A. As who she got the money from.

Q. Was that the only occasion on that particular date on which you saw Shirley? I mean, you did not see her in Mr. Connelly's office?

A. No, I did not.

Q. Or did you go out to her home?

A. Yes, I was out at the home.

Q. Was she under your surveillance at all times while she was at the house?

A. Yes, she was under all of ours.

Q. Did she ever leave your surveillance?

A. No.

Q. Did you see her at any time or did she have opportunity at any time to take narcotics?

A. The only time she was out of my view was when she was in the bathroom, and Anderson was standing in the door at the time. [45]

Q. How long was she in the bathroom?

A. Oh, a couple of minutes, I suppose.

Q. For what purpose did she go in the bathroom?

A. On pretense of getting the key, which she did get out of the bathroom.

(Testimony of Harry C. Allbright.)

Q. In what mental state was she when you saw her at the house? Was she upset and nervous, or did she appear to be normal?

A. No, she seemed to be perfectly normal.

Q. Was that also true at the bank?

A. Yes.

Mr. Freeman: I think you may cross-examine.

### Cross-Examination

By Mr. Lowe:

Q. I think there's nothing else except to clarify this matter of getting it from "the sucker." You were at that time discussing the money she had gotten from Dr. Teed? A. That's right.

Q. And what was said from which you understood that in going to the bank she was going to turn over the money that she had gotten from Dr. Teed? A. Yes.

Q. Well, what in substance was the conversation as you heard it? That's what I wanted to get at.

A. Well, all the way through she always mentioned the money as being Dr. Teed's money, but in most instances she [46] referred to him as "the sucker."

Mr. Lowe: I think that's all.

### Examination by the Court

Q. But the conversation of the others with her and the whole transaction made it clear that "the

(Testimony of Harry C. Allbright.)

sucker" referred to Dr. Teed? A. Yes, sir.

Q. What jail was she in?

A. She was in the county jail—no, the city jail, a county prisoner, a federal prisoner.

Q. And you were a city detective, of course, then? A. Yes, sir.

Q. How long had she been in there, do you remember, at the time of this incident?

A. I think she had been in there two days at that time.

Q. And did she appear to be sick at that time?

A. No.

Q. Or under the influence of narcotics?

A. No.

The Court: That's all the questions I have.

(Whereupon, there being no further questions, the witness was excused.)

#### P. B. ANDERSON

called as a witness on behalf of the United States, being first duly sworn, testified as follows:

#### Direct Examination

By Mr. Freeman:

Q. Will you give your name, sir? [47]

A. P. B. Anderson.

Q. You are presently a retired detective of the Spokane Police Department? A. Yes, sir.

Q. Mr. Anderson, during the years 1943, 1944

(Testimony of P. B. Anderson.)

and 1945 you were a detective employed by the Spokane Police Department, is that correct?

A. Yes, sir.

Q. You knew Shirley Doores? A. Yes, sir.

Q. Mr. Anderson, during the latter part, I believe, of May of 1944 were you present at the Old National Bank with Shirley Doores?

A. I was.

Q. And Wayne Bezona, the United States Marshal, Mr. Smith, and Mr. Allbright?

A. Yes, sir.

Q. That was the morning of the 29th of May, is that your recollection?

A. Well, about that, I would say, yes, sir.

Q. It could have been, I take it, in the afternoon as well, is that right? A. Yes, sir.

Q. Of that particular day. Now, Mr. Anderson, in your own words tell us what transpired at the safe deposit box on [48] that particular afternoon or morning?

A. When Shirley finally did give us the key, Mrs. Doores give us the key, why, we all went to the Old National Bank.

Q. From her home?

A. Mr. McWilliams when we showed him the key, he knew right what box it was, of course; we went down and opened it and found the money.

Q. Now, in what denominations was the money in the box?

A. Twenty, fifty, and one hundred dollar bills.

(Testimony of P. B. Anderson.)

Q. And how much money was there?

A. \$5,950.00.

Q. Now, at the time the box was opened did Shirley make any statement in your presence as to the source of that money? A. Yes, she did.

Q. What did she say, Mr. Anderson?

A. She said, "This is some of the money."

Q. Did she indicate to you from whom she had obtained that money, specifically? A. Yes, sir.

Q. Who?

A. That she got it from Dr. Teed.

Q. She said she got it from Dr. Teed; now, before you went to the Old National Bank you were out to Shirley Doores' home, is that correct? [49]

A. Yes, sir.

Q. How long was she in her house there?

A. Oh, we were probably out there half an hour.

Q. Did you have her under your surveillance at all times? A. I did.

Q. Did she go in the bathroom?

A. Yes, sir.

Q. For what purpose, did she say?

A. Well, she said she wanted to go in the bathroom, and she would get the key for us.

Q. Did you watch her while she was in there?

A. I did; I stood with my foot in the door.

Q. How long was she in the bathroom?

A. Just a few minutes, and I asked her, "Hurry up and get the key," and she reached in the toilet paper roll and got it.



(Testimony of P. B. Anderson.)

Q. While you were in the house did she have any opportunity or did she take any narcotics?

A. Not that I know of; I don't believe she did.

Q. Was she normal, or appear normal?

A. She was normal as she ever was.

Q. How about at the bank?

A. She was normal.

Q. Would you say at either place she was under the influence of narcotics? A. No, I wouldn't.

Mr. Freeman: That's all.

Cross-Examination

By Mr. Lowe:

Q. To clarify, the subject of the discussion at Mr. Connelly's office and going to the bank was the actual money she had gotten from Dr. Teed, is that correct? A. Yes, sir.

Q. In other words, going back a little bit, I think the record shows it, you received a communication from the sheriff at Coeur d'Alene that Dr. Teed had been defrauded of a large sum of money by this woman, is that correct, or do you remember?

A. No, I think that——

Q. Well, anyway, you learned of it in some way, and picked her up in that connection, and the whole discussion was the money she got from Dr. Teed?

A. Yes, sir.

Mr. Lowe: That's all.

The Court: Were you in Mr. Connelly's office?

A. I can't say that I was for sure; I don't recall that.



(Testimony of P. B. Anderson.)

The Court: Mr. Connelly is deceased now?

A. Yes, sir.

The Court: And is no longer living. I think the record should show that, perhaps. I have no further questions.

(Whereupon, there being no further questions, the [51] witness was excused.)

### MRS. JEAN SHEEHY

called as a witness on behalf of the United States, being first duly sworn, testified as follows:

#### Direct Examination

By Mr. Freeman:

Q. Your name, please? A. Jean Sheehy.

Q. Mrs. Sheehy, where do you reside?

A. Where do I live?

Q. Yes.

A. I live at Martinsdale, Montana.

Q. Are you related to Shirley Doores?

A. I am; I'm her sister.

Q. How long have you lived at Martinsdale, Montana, Mrs. Sheehy?

A. Well, I've been there since the fall of '39.

Q. Since the fall of 1939? A. Yes.

Q. Mrs. Sheehy, I understand that your father, who would also be the father of Shirley Doores, lived with you sometime in the forties, is that correct?

A. Well, I couldn't exactly say the correct date

(Testimony of Mrs. Jean Sheehy.)

now, I just don't remember, but I'm sure it was 1941.

Q. 1941 when he came to live with you?

A. Yes.

Q. You are married? [52] A. Yes.

Q. He came to live with you and your husband, is that correct? A. That's right.

Q. For how many years after he came to live with you in 1941 did he live with you?

A. Well, up until his death in July of last year.

Q. Now, Mrs. Sheehy, when your father came to live with you in 1941 where did he come from?

A. Well, he had been living in Wyoming with my oldest brother, which is dead too now.

Q. Now, are you acquainted or were you acquainted in 1941 with his financial status?

A. No, I really wasn't.

Q. Well, did you know whether or not, of your own mind, he was receiving an old age pension in 1941?

A. Well, he was receiving the old age pension.

Q. In 1941?

A. What year he got it I couldn't tell you. He wasn't with me at that time.

Q. Beg your pardon?

A. He wasn't with me at the time he began to get the old age pension.

Q. Do you know of your own knowledge how many years he was receiving old age pension?

A. Well, I really couldn't tell you, because I

(Testimony of Mrs. Jean Sheehy.)

don't know [53] what time he started getting it, you see.

The Court: Was he receiving it at the time he lived with you?

A. Well, only for a few years. They cut him off after he come to live with me.

Q. But he did get it for several years after 1941?

A. Yes.

Q. As a matter of fact, the old age pension amounted to approximately \$12.00 a month, is that correct?

A. Well, that's what he was getting when he come to live with me, and they gradually raised it.

Q. As a matter of fact they increased it until it reached the sum of \$34.00 a month, is that correct?

A. Right around that, around \$32.00 or \$34.00; I'm sure it was \$34.00.

Q. On or about the year 1945?

A. Well, I imagine that's when they cut him off, right in there. I couldn't say for sure the dates.

Q. But to the best of your recollection he was getting an old age pension from approximately the year 1941 to 1945?

A. That's right.

Q. In varying amount?

A. Yes.

Q. How long did you say he lived with you from 1941? He lived with you until his death? [54]

A. Up until his death.

Q. Did he work?

A. Well, he worked off and on.

Q. What kind of work did he do?

(Testimony of Mrs. Jean Sheehy.)

A. Well, he did ranch work, and he was quite a cattle man, he looked after cattle and just odd jobs like that.

Q. He was not steadily employed during that period? A. Well, no, he really wasn't.

Q. As a matter of fact during that period did you find it necessary to contribute to his support?

A. I helped him very much.

Q. Now, were you acquainted or are you acquainted with his property holdings, if any, during the years 1941 to 1948 at the time of his death?

A. No.

Q. Do you know whether or not he had any property? A. Not to my knowledge.

Q. He had no property to your knowledge?

A. No, he always, as far as I knew—of course, our home was split up when we were quite young, and there was quite a few years that we weren't with him, and as far as I can remember he always leased his ranches, and——

Q. Leased his ranches? A. Yes.

Q. You mean he leased his ranches to others, or leased from [55] others?

A. Leased from others.

Q. He owned no real property, real estate?

A. Not to my knowledge.

Q. And did he leave any estate on his death in 1948? A. No, he did not.

Q. During the time that he was living with you, and specifically on or about the year 1945, did you

(Testimony of Mrs. Jean Sheehy.)

or your husband pay hospital bills for the care of your father?      A. Yes, we did.

Q. Substantial amounts?      A. Yes.

Q. At that time I take it then he did not have sufficient money to pay those bills himself?

A. No.

Q. To your knowledge?      A. No.

Q. Now, during the period he lived with you, from 1941 to 1948, did you ever know him to have any large sum of money?

A. Not to my knowledge.

Q. Did you ever know of his giving any sum of money to Shirley Doores?

A. Not to my knowledge. If he gave it to Shirley it's beyond me, I don't know a thing about it.

Mr. Freeman: I think you may inquire. [56]

#### Cross-Examination

By Mr. Lowe:

Q. One other question; during the time he was receiving this old age pension and was living with you did he turn that money over to you?

A. Well, not exactly; he left it at the house, and when he'd need medicine or something that he would need, why, if he didn't have it on him in person, I would give him what he needed.

Q. In other words, it was not put away and kept any place?      A. No.

Q. It was used for his expenses and your own expense, is that what you mean?

(Testimony of Mrs. Jean Sheehy.)

A. That's right.

Q. And as it came in it was all expended?

A. Yes.

Q. He didn't save any of it?

A. He couldn't have saved much of that; he wasn't getting enough.

Q. Not getting enough to save anything, was he? That's all.

(Whereupon, there being no further questions, the witness was excused.)

Mr. Freeman: I think, if your Honor pleases, that completes our case as far as the petition of Shirley Doores is concerned. You have no further evidence, I take it? [57]

Mr. Lowe: No, we have no further evidence; we're submitting Dr. Teed's petition on the same testimony.

The Court: Let's see, I wasn't present at the trial; you might state just briefly what his testimony was. You're submitting that on the record, are you not?

Mr. Lowe: Well, I believe Mr. Freeman covered it on his opening statement. He was thoroughly examined, cross-examined, reexamined and recross-examined. There were two lawyers representing each defendant, and each lawyer gave him a real going over.

The Court: One thing that occurred to me; did he testify the money given by him to Shirley Doores



was in the denominations found in the safe deposit box?

Mr. Lowe: Substantially; he kept no record of it.

The Court: I wondered if he did testify he gave her some fifties and some hundreds and some twenties?

Mr. Lowe: Yes, that question was asked him in the record. It was different payments in cash money. All the payment was in currency.

The Court: Well, I think perhaps for the guidance of counsel it seems to me very clear here the evidence is overwhelming that the money found in the safe deposit box at the Old National Bank building, the \$5,950.00, was money that Miss Doores had procured from Dr. Teed, so the court will find that to be the fact, and the controversy [58] from here on—that is, you can assume that in your conduct of the case from here on, and I assume now the question will be one of law as to whether Dr. Teed is entitled to have the money paid to him, or it should remain in the registry of the court.

Mr. Lowe: That's correct. As I said at the opening, there's no question between the government and Dr. Teed. Does your Honor desire to hear oral argument? We have a rather extended argument. Do you want to open?

Mr. Freeman: No, you may open.

Mr. Lowe: Would you prefer it be submitted on briefs? There are some questions of law that as I say, will take some time to present our views.



The Court: Well, if it's seriously contested, and I assume it is, and there are authorities to be presented, it would probably not be practicable for me to try to absorb them and give a decision off the bench. I think it might be helpful if you will summarize your position and not go into the authorities, and submit briefs or authorities on the points you wish to emphasize.

Mr. Lowe: Shall I be very brief?

The Court: Yes, if that's acceptable to you.

Mr. Freeman: Yes, your Honor; I take it it will not take over five or ten minutes to present?

Mr. Lowe: No. [59]

Mr. Freeman: Would your Honor permit a five or ten minute recess at this time? I have possibly very short testimony in defense of Dr. Teed's—I have in mind perhaps calling Dr. Teed for a question or two; I'd like a five minute recess if that's possible.

The Court: May I suggest this, then; I have some other matters coming on that shouldn't take very much time at 1:30; suppose we recess this case until 2 o'clock and then come back, or would you prefer to finish it this forenoon?

Mr. Lowe: I think I know what Mr. Freeman has in mind; it won't take five minutes.

The Court: All right, the court will recess for five minutes.

(Short recess.)

The Court: All right, you may proceed.

Mr. Freeman: If your Honor please, I'd like to call Dr. Teed to the stand.

EDWARD H. TEED

called as a witness on behalf of the United States, being first duly sworn, testified as follows:

Direct Examination

By Mr. Freeman:

Q. Dr. Teed, you are the petitioner in this cause?

A. Yes, sir.

Q. Seeking the return of \$5,950.00?

A. Yes, sir. [60]

Q. Secured from you by Shirley Doores?

A. Yes, sir.

Q. —and Clayton and others. Dr. Teed, were you subsequently charged with a felony in the courts of Idaho? A. Yes, sir.

Mr. Lowe: We object to that as not material.

The Court: I fail to see the materiality of it. It's preliminary, I presume.

Mr. Freeman: Your Honor, it's this; it's not for the purpose of affecting his credibility, because obviously he had not been convicted at the time of his testimony reported here, but the materiality as I see it is this: I think we should be permitted to show, if such is the case, that he was ultimately convicted in the court of Idaho on a charge arising out of, if such be the case, of the unlawful disposition of narcotics to Shirley Doores, part of this transaction.

(Testimony of Edward H. Teed.)

The Court: Well, go ahead; I'll overrule the objection, since the case is before the court, and decide what to do with it after it comes in.

Mr. Freeman: Will you read that question?

(Whereupon, the reporter read the last previous question.)

Q. Let's put it, were you subsequently convicted of a felony in the courts of Idaho? [61]

A. Yes.

Q. What was the charge, Dr. Teed?

A. Violation of the narcotics law.

Q. Did that entail the specific transaction in narcotics that you had in this particular matter with Shirley Doores? A. Yes.

Mr. Lowe: Object to that as not material.

The Court: Yes, the record may show the attorney for Dr. Teed objects to all of this line of questioning, and it will be overruled.

Q. And the answer was it did arise?

A. Yes.

Q. And you were subsequently convicted of that charge?

The Court: You say the courts of Idaho; I presume you mean the——

Mr. Freeman: Superior Courts of Idaho, the state courts of Idaho.

The Court: That was a violation of the state law over there?

Mr. Freeman: Yes. That's all.

(Whereupon, there being no further questions, the witness was excused.)

WAYNE BEZONA

called as a witness on behalf of the United States, being first duly sworn, testified as follows:

Direct Examination

By Mr. Freeman:

Q. Your name is Wayne Bezona? [62]

A. Yes, sir.

Q. You're the United States Marshal for this district?

A. That's right.

Q. You were also United States Marshal for this district during the entire year of 1944, Mr. Bezona?

A. I was.

Q. Mr. Bezona, were you present at the Old National Bank on or about the 29th day of May, 1944, when the sum of \$5,950.00 was taken from the safe deposit box of Shirley Doores, under the name of Vera Wilson?

A. I was.

Q. Now, Marshal, at the time you were present at the box did you have in your possession a search warrant?

A. I did have, all the time.

Q. You did have in your possession a search warrant?

A. Yes.

Q. A search warrant for this particular sum of money?

A. For everything that pertained to the case, including money, narcotics, and a key at the house. We had a search warrant for the property at the

(Testimony of Wayne Bezona.)

house and the bank, and it was all done on the same raid.

Q. And issued out of this court?

A. That's right.

Q. And were you acting by virtue of that warrant at the time?      A. Entirely. [63]

Q. And to whom, if you recall, was that search warrant directed?

A. It was directed to me as Marshal.

Q. To you as Marshal?      A. Yes, sir.

Q. Did it contain any particular place, or was it directed to any particular bank?

A. Yes, it did.

Q. It named the Old National Bank?

A. It particularly described the place to be searched and the thing to be searched at the bank and at the property.

Q. And among the places so described the Old National Bank was detailed?      A. That's right.

Q. And you received that morning the sum of \$5,950.00?      A. At the bank, yes, one bank.

Q. By virtue of your search warrant as well as Shirley Doores turning the money over to you; and you received that as an officer of this court?

A. Yes; she turned the key over to us at her home, and we proceeded to the bank with the key and with her, and there unlocked the safety box, and I counted the money each and every time it was counted, because I was taking it under that warrant.

(Testimony of Wayne Bezona.)

Q. What was done by you with that money? [64]

A. The money was held by me; I immediately rented a safety deposit box and kept the money in there for I don't know how long, some considerable time, for a year or over, and finally I wanted to get it out of my custody and I turned it over to the clerk of the court.

Q. Under order of the court?

A. Under order of the court, and got relieved of having to hold it further, and that's where this money is.

Q. By order of the court you were directed to deposit it in the registry of the court?

A. I think that's correct.

Mr. Freeman: I think that's all.

Mr. Lowe: I have no questions.

(Whereupon, there being no further questions, the witness was excused.)

The Court: Is that all the testimony, then?

Mr. Freeman: I think so. I don't think there's any question but what Mr. LaFramboise is presently holding the money in the registry of the court. There's no question as far as that's concerned?

Mr. Lowe: Not so far as we're concerned; we hope he is.

The Court: I believe it was done on an order, wasn't it?

Mr. Freeman: Yes, depositing it in the registry of the court.



The Court: Agreed by all concerned, then, that it is in the registry of the court.

Mr. Freeman: Yes. That is all, then, if your Honor please.

The Court: I think rather than call on Mr. Lowe here, the court is convinced that this money was Dr. Teed's money. Now, what is your position as to why it shouldn't be turned back to him, just very briefly, then I'll ask for written briefs afterward.

Mr. Freeman: Your Honor please, by virtue of authority which we will submit to your Honor, it is the position of the government that this money having been used to perpetrate a crime, one of two crimes, either the bribery of a federal officer or an attempt to bribe a federal officer, and that the money having been so used for that purpose, it is considered to be considered as fruit of the crime, and under the citations which we will give to your Honor the person who has so paid out that money under the fact it has become the fruit of the crime has no right to its return. In substance, although actually the money did not find its way into the pockets of a federal officer, he paid it to Shirley Doores and to Kelley with the idea that a specific federal officer, W. G. Graben as well as Mr. Bangs in the inspector's [66] office, the narcotics office in Seattle, would be the recipients of that money, and certainly whether he was tried or not he was guilty on his own admissions in the record of an attempt to bribe a federal officer, and being so, the money



becomes fruit of the crime, the return of which he is not entitled to.

The Court: Just a moment; on the \$200.00 part of it, is there any evidence that was the fruit of any crime?

Mr. Freeman: As a matter of fact, your Honor, we cannot dispute Miss Doore's assertion that money came from her father.

The Court: That's what I thought. I don't know where it came from; it seems to me the government having taken it, they have the burden of showing it was the fruit of the crime. Since it was taken from her I think it should be returned to her, on the state of the record here.

Mr. Freeman: Yes.

The Court: All right. Briefly do you wish to state your position?

Mr. O'Kelly: Yes, I think we can very briefly state it. These cases on bribery and attempted bribery I think are completely irrelevant, because there was no federal officer ever approached or no attempt to approach any federal officer, nor was there any intent on the part [67] of Miss Doores or any of these people in the conspiracy with her to ever reach a federal officer. The entire act was carried to its complete conclusion; there was no stopping in the middle of anything; there was no bribery, clearly, and no attempt to bribe, and in addition, the fact Mr. Freeman prior to this argument mentioned this matter of *pari delicto*, I think probably when the briefs are turned in he'll make

more of it than he did just now; actually that is not applicable in this case, because Dr. Teed's actions were all under duress and threat of prosecution, and therefore he's not responsible for them as if he had been part of this conspiracy formed by Miss Doores, and our contention is that since his actions were all performed under duress and under threat of prosecution that his actions were not his own actions, and therefore the money remained his and is not subject to being confiscated by the government.

The Court: Well, I think it would be helpful to have briefs in this case. I doubt that I could digest the authorities even with extended argument without taking it under advisement anyway. I'll be in Yakima during most of the month of November, so there isn't very much urgency about this matter. Would three weeks on a side be enough for you getting out the briefs?

Mr. Lowe: Yes. [68]

Mr. O'Kelley: What will be the order of the briefs?

The Court: I rather think that the government should open. I have indicated here that it's my conclusion, I think there couldn't be any question about that under the evidence, that the money found in the safe deposit box came from Dr. Teed and would be his money unless he's precluded from recovering it by some law or principle of law that is urged by the government, so it seems to me that the logical place for the affirmative would be with the government.

Mr. Freeman: Then the government, your Honor, would also be entitled if it desires to a reply brief?

The Court: Yes. We'll say fifteen days on a side, and then you can have ten days for a reply brief. That will still be within the time I'll be in Yakima.

Mr. Freeman: And your Honor, just one more question, does your Honor desire a full-fledged brief, or just a citation of authorities?

The Court: Well, it's principally for the assistance of the court, of course, and I don't believe that elaborate arguments on the facts are very helpful. I think you should state what your points are and then cite the authorities in support of them, and it isn't necessary to set out extended quotes from cases, because I'll probably examine them anyway. Unless they're too numerous [69] or you cite too many of them on some point I usually examine the cases anyway. Of course, if you wish to set out short quotations to emphasize some point that's all right. For the most part a clear statement of your points and then a citation of the authorities, will be sufficient.

### Reporter's Certificate

United States of America,  
Eastern District of Washington—ss.

I, Stanley D. Taylor, do hereby certify: That I am the regularly appointed, qualified and acting

official court reporter of the District Court of the United States in and for the Eastern District of Washington. That as such reporter I reported in shorthand and transcribed the foregoing proceedings before the Honorable Sam M. Driver, Judge of the District Court of the United States for the Eastern District of Washington, held on October 14, 1949, at Spokane, Washington.

That the above and foregoing contains a full, true and correct transcript of the proceedings had on such date in the cause of United States of America vs. Shirley Doores, Defendant, and Edward H. Teed, Intervener.

Dated this 20th day of May, 1950.

/s/ STANLEY D. TAYLOR,  
Official Court Reporter.

[Endorsed]: Filed May 22, 1950.

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[Title of District Court and Cause.]

#### CLERK'S CERTIFICATE

United States of America,  
Eastern District of Washington—ss.

I, A. A. LaFramboise, Clerk of the United States District Court for the Eastern District of Washington, do hereby certify that the documents annexed hereto are the original—

1. Motion of Shirley Doores for release of money.
2. Stipulation re deposition of Shirley Doores.
3. Motion to Intervene—Edward H. Teed.
4. Order Allowing Motion to Intervene.
5. Petition in Intervention.
6. Acceptance of Service of Motion, Notice, and Petition in Intervention by Allan Pomeroy, Attorney for Shirley Doores.
7. Court Reporter's Record of Proceedings at the hearing on petition for release of funds.
8. Exhibit.

United States Exhibit "2." Printed Transcript of Record on Appeal in two volumes in Case No. 10972, George Clayton, Appellant, vs. United States of America, Appellee, in the United States Court of Appeals for the Ninth Circuit. (Original Exhibits in 10972 admitted in evidence as a portion of United States Exhibit "2," not forwarded with this record for the reason that they are already included in the printed record at Pages 37 to 89 inclusive.)

9. Opinion of the Court—letter dated 1/12/50.
10. Findings of Fact and Conclusions of Law.
11. Judgment for Intervenor.
12. Notice of Appeal.
13. Statement of Points Relied Upon on Appeal.
14. Designation of portion of record to constitute Record on Appeal.

on file in the above-entitled cause, and that the same

constitutes the record for hearing of the Appeal from the Judgment of the United States District Court for the Eastern District of Washington in the United States Court of Appeals for the Ninth Circuit as called for by the Appellant in his Designation of Record on Appeal.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said District Court at Spokane in said District, this 23d day of May, 1950.

[Seal]                      A. A. LaFRAMBOISE,  
Clerk of said District Court.

By /s/ EVA M. HARDIN,  
Deputy Clerk.

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[Endorsed]: No. 12556. United States Court of Appeals for the Ninth Circuit. United States of America, Appellant, vs. Edward H. Teed, Appellee. Transcript of Record. Appeal from the United States District Court for the Eastern District of Washington, Northern Division.

Filed May 26, 1950.

/s/ PAUL P. O'BRIEN,  
Clerk of the United States Court of Appeals for  
the Ninth Circuit.



United States Court of Appeals  
for the Ninth Circuit

No. 12556

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

vs.

SHIRLEY DOORES, et al,

Defendant,

EDWARD H. TEED,

Intervenor and Cross-Petitioner-Appellee.

DESIGNATION OF POINTS AND REQUEST  
FOR PRINTING OF RECORD

## I.

Appellant hereby adopts and designates for consideration in this appeal in lieu of a separate statement the designation of points on which it intends to rely heretofore designated by appellant and filed in the District Court.

## II.

Appellant deems consideration by the Court of all of that record, certified to this Court by the Clerk of the District Court, necessary to this appeal to a proper understanding of the questions presented and hereby requests that the same be



printed, excepting and omitting formal parts of the pleadings and other court papers.

/s/ HARVEY ERICKSON,  
United States Attorney.

/s/ FRANK R. FREEMAN,  
Assistant United States  
Attorney.

Receipt of copy acknowledged.

[Endorsed]: Filed June 2, 1950.

